

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

United States of America

vs.

(1) Tony Santana Gutierrez

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NO: AU:21-CR-00050(1)-RP

**ORDER ACCEPTING REPORT AND RECOMMENDATION** -  
**OF THE UNITED STATES MAGISTRATE JUDGE**

Before the court is the above styled and numbered cause. On September 18, 2024 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant Tony Santana Gutierrez, which alleged that Gutierrez violated a condition of his supervised release and recommended that Gutierrez 's supervised release be revoked (Clerk's Document No. 38). A warrant issued and Gutierrez was arrested. On February 24, 2025, Gutierrez appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set..

Gutierrez appeared before the magistrate judge on March 11, 2025, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on March 11, 2025, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on the original offense and the intervening conduct of Gutierrez, the magistrate judge recommends that this court revoke Gutierrez supervised release and that Gutierrez be sentenced to imprisonment for

6months, with a term of 2 years months of supervised release to follow the term of imprisonment (Clerk's Document No. 53).

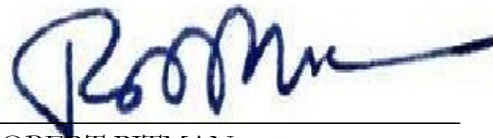
A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass 'n*, 79 F.3d1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

**IT IS THEREFORE ORDERED** that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 53) is hereby ACCEPTED AND ADOPTED by this court.

**IT IS FURTHER ORDERED** that Defendant (1) Tony Santana Gutierrez 'sterm of supervised release is hereby REVOKED.

**IT IS FURTHER ORDERED** that Defendant Tony Santana Gutierrez be imprisoned for 6 months with a term of supervised release of 2 years to follow the term of imprisonment. All prior conditions of supervised release are reimposed.

Signed this 17th day of March, 2025.

A handwritten signature in blue ink, appearing to read 'Rob Pitman', written over a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE